

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12499 of Clopton-Lovrien Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a newspaper editorial office (first floor) to a real estate office (first floor) and for a variance from the use provisions (Section 3104) to permit a real estate office on the second floor in the R-4 District at the premises 109 - 8th Street, N. E., (Square 918, Lot 14).

HEARING DATE: October 19, 1977
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The application was amended at the public hearing to request, in the alternative, the use of the second floor as a real estate office as a special exception for the extension of a non-conforming use under Sub-section 7105.2 of the Regulations.
2. The subject property is located at 109 - 8th Street, N. E. and is in an R-4 District.
3. The subject lot measures approximately 555 square feet in area and is improved with a two story brick structure.
4. By BZA Order No. 6034, dated August 17, 1960, the Board granted a change in a non-conforming use for the subject property from an electrical appliance store to a real estate office.
5. By BZA Order No. 9468, dated January 24, 1968, the Board granted a change in a non-conforming use for the subject property from a real estate office to a newspaper editorial office.
6. The building was built approximately in 1880. It has had a history of non-conforming uses for many years and has been used for commercial purposes since 1928.
7. Both floors of the subject premises are being used as a real estate office at the present time.

8. The building is a relatively small one having less than 1200 square feet of gross floor area. There is no access to the second floor except through the entire first floor. There is one room on the first floor, a half bath and a mezzanine with a desk and a conference table. There is one room on the second floor which has been used as office space. The building was recently remodeled. No structural alterations were made to the building and none are contemplated.

9. The office employs one full-time secretary and five licensed real estate salesmen. Normally only two or three employees are on the premises at any one time.

10. No on-site parking is provided since the structure occupies 100% of the lot area. Applicant stated that the full-time secretary lives in the area and walks to the office.

11. Most of the structures within 300 feet of the subject property are two and three story row structures and none appear to have any off-street parking facilities.

12. There are a number of non-conforming uses in the same block including a carry-out restaurant, a beauty salon and a real estate office.

13. There are no public alleys in this block.

14. A newspaper editorial office and a real estate office are both first permitted as a matter-of-right in the C-1 District.

15. The prior use, that of a newspaper editorial office, was a valid Class II non-conforming use.

16. There was no opposition to the application.

17. Advisory Neighborhood Commission 6A filed no recommendation on this application.

CONCLUSIONS OF LAW:

The subject property has a history of non-conforming uses for many years. There were no objections to the present use of the property. The small size of the building and its lack of appropriately designed facilities mitigates against its use as a residence.


Based on the record the Board concludes that the granting of the special exceptions sought herein will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of neighboring property in accordance with said Zoning Regulations and maps. The Board concludes that the use of the second floor for office space can be granted as the extension of a non-conforming use. The Board therefore, takes no position on the request for a use variance. Accordingly, it is ORDERED that the application is GRANTED as a change and extension of a non-conforming use.

VOTE:

4-0 (Walter B. Lewis, Chloethiel Woodard Smith,
William F. McIntosh and Leonard L. McCants to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

17 NOV 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.